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DELIVER TO: Examiner Long Pham Art Unit 2814
COMPANY: United States Patent and Trademark Office
FAX NUMBER: (703) 872-9306
FROM: Ross Schmitt
DATE: March 17, 2004
TOTAL NO. OF PAGES (INCLUDING THIS PAGE): 3
SUBJECT : Response to Restriction Requirement
U.S. Application No. 10/634,348
Tahir Hussain, et al.
"Ohmic Metal Contact and Channel Protection . . ."
Our Ref: B-4232NP 621008-5

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REMARKS:

Examiner Pham:

Enclosed is a response to the Office Action mailed on February 20, 2004 consisting of:
Response to Restriction Requirement – 2 pages

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Applicant: Tahir Hussain, et al.)	Examiner: Long, Pham Art Unit: 2814
)	
Patent Appl: 10/634,348)	Our Ref: B-4232NP 621008-5
)	
Filed: August 4, 2004)	
)	Date: March 17, 2004
)	
For: "OHMIC METAL CONTACT AND CHANNEL PROTECTION ...")	Re: <i>Response to Restriction Requirement</i>
)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

This paper is filed in response to the Office Action, dated February 20, 2004.

In response to the Office Action mailed on February 20, 2004, the Applicants provisionally elect Invention I, that is, Claims 1-24, for further examination in this Application.

While the Applicants concur with the Examiner's finding that Inventions I and II are patentably distinct, the Applicants note that 35 U.S.C. § 121 authorizes, but does not require, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expense that would be imposed upon the Applicants by multiple patent applications and multiple patents, the Applicants submit that restriction requirements should be issued only when absolutely necessary.

Further, the Applicants submit that the Examiner has improperly read limitations into the claims in making the restriction determination. The Examiner states that "the product as claimed can be made by another and materially different process such as one in which the plurality of semiconductor layer (sic) are grown instead of depositing." The Applicants submit that a person

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skilled in the art would understand that the recitation of "a plurality of semiconductor layers deposited on the substrate" in Claim 25 would also include products in which the plurality of semiconductor layers are grown. That is, the Applicants submit that a process step in which a plurality of semiconductor layers are grown is within the scope of a claim limitation which recites "depositing a plurality of semiconductor layers." Hence, the Applicants submit that there is not a material difference between growing semiconductor layers and depositing semiconductor layers and, therefore, reliance on this alleged material difference for setting forth a restriction requirement is improper.

Therefore, for the reasons set forth above, reconsideration is respectfully requested and the Examiner is respectfully requested to withdraw the restriction requirement.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.


I hereby certify that this correspondence is being facsimile transmitted to FAX No.: 703-872-9306 and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on

March 17, 2004

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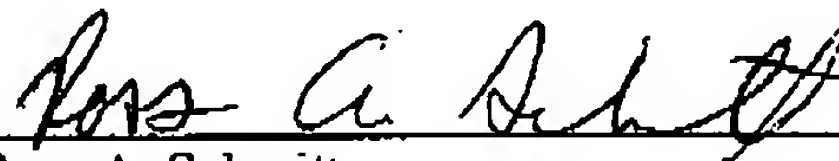


(Signature)

3-17-2004

(Date)

Respectfully submitted,



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